

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**IN RE CONTEMPT PROCEEDINGS)
AGAINST DANIEL E. CARPENTER,)
JONATHAN BOOTHROYD, and) Misc 24-05-D
SDM HOLDINGS, LLC.)**

ORDER

The pending action involves criminal contempt proceedings against Daniel E. Carpenter, Jonathan Boothroyd, and SDM Holdings, LLC. At a July 18, 2024, hearing on an Order to Show Cause, Judge Heaton noted that the allegations included criticisms of him. Upon inquiry, Defendant Carpenter's counsel indicated that his client did not consent to Judge Heaton presiding over the contempt proceeding. *See Fed.R.Crim.P. 42(a)(3)*("If the criminal contempt involves disrespect toward or criticism of a judge, that judge is disqualified from presiding at the contempt trial or hearing unless the defendant consents."). As a result, Judge Heaton recused and transferred the action to the undersigned.

At the hearing Judge Heaton advised that he believed a judge from outside the Western District would be designated to preside. Consistent with Judge Heaton's statements at the hearing and in light of the circumstances, the undersigned concludes that the presiding judge in the contempt proceedings should come from another district. Pursuant to a designation signed by the Honorable Jerome A. Holmes, Chief Judge, United States Court of Appeals for the Tenth Circuit, on November 22, 2023, the judges of the Eastern and Northern Districts of Oklahoma are designated to preside over cases in this

District.¹ The Honorable Gregory K. Frizzell, Northern District of Oklahoma, having been so designated is hereby assigned to preside over this action for the purpose of conducting the trial on the issue of contempt, and sentencing if necessary. The Clerk shall transfer this contempt proceeding to Judge Frizzell; the proceeding shall remain pending in this District.

IT IS SO ORDERED this 22nd day of July 2024.



TIMOTHY D. DeGIUSTI
Chief United States District Judge

¹ The designation provides, in relevant part:

Pursuant to the provisions of Title 28, United States Code § 292(b), I designate and assign the following United States District Judges in the Tenth Circuit to hold court in the districts listed opposite their names, from January 1, 2024, through December 31, 2024, and for any time in advance to prepare for the trial of cases, or as may be required to complete unfinished business.